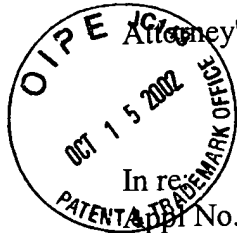


10-17-02

1647



Attorney's Docket No: PP16090.004 (35784/235886)

PATENT

#9  
D/B  
10/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Whitehouse	Confirmation No.:	6233
App No.:	09/886,856	Group Art Unit:	1647
Filed:	June 21, 2001	Examiner:	Sauod, Christine J.

For: METHODS AND COMPOSITIONS FOR THE TREATMENT  
OF PERIPHERAL ARTERY DISEASE

Commissioner for Patents  
Washington, DC 20231

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**RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES**

This is in response to the Office Action dated September 12, 2002, in which the Examiner has required Applicant to elect a single disclosed species of FGF (item A) and a single disclosed species of proteoglycan (item B) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant hereby provisionally elects with traverse, for the reasons noted below, to prosecute the species of FGF set forth as SEQ ID NO:4. Claims 1-11 and 14-82 are readable thereon. Applicant hereby elects without traverse to prosecute the species of proteoglycan known as heparin. Claims 14-19 and 51 are readable thereon. Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the non-elected species of FGF and the non-elected species of proteoglycan if no generic claim is finally held to be allowable.

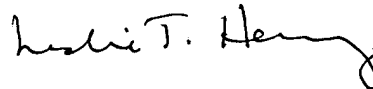
Applicant has provisionally elected with traverse the species of FGF set forth in SEQ ID NO:4. SEQ ID NO:4 sets forth the amino acid sequence for the 146-residue form of human FGF-2, while SEQ ID NO:2 sets forth the amino acid sequence for the 146-residue form of bovine FGF-2. These species of FGF molecules are structurally similar, differing only by two amino acid residues (positions 112 and 128), and carry out similar functions. Applicant respectfully submits that it would not represent an undue burden for the Examiner to search the method claims of the invention where the FGF administered is FGF-2, represented by the two FGF-2 species disclosed as SEQ ID NOS:2 and 4. Applicant therefore respectfully requests examination of the invention with FGF-2 as the elected species of FGF, where FGF-2 is represented by SEQ ID NOS:2 and 4 of the Sequence Listing.

In re: Whitehouse  
Appl No.: 09/886,856  
Filed: June 21, 2001  
Page 2

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

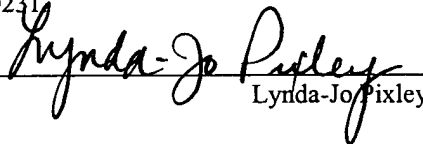


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Date of Deposit October 15, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner For Patents, Washington, DC 20231.

  
Lynda-Jo Pixley